

NO. 5:13-CV-247-BR

Defendant.

Case 5:13-cv-00247-BR Document 4 Filed 05/01/13 Page 1 of 5

clearly does not exist.” *Adams v. Rice*, 40 F.3d 72, 75 (4th Cir. 1994) (quotations omitted). Claims that are factually frivolous lack an “arguable basis” in fact. *Neitzke*, 490 U.S. at 325. Although a complaint of a *pro se* plaintiff is entitled to more liberal treatment than those drafted by attorneys, *White v. White*, 886 F.2d 721, 724 (4th Cir. 1989), the court is not required to accept a *pro se* plaintiff’s contentions as true. *Denton v. Hernandez*, 504 U.S. 25, 32 (1992) (explaining under predecessor statute 28 U.S.C. § 1915(d) that “a court is not bound, as it usually is when making a determination based solely on the pleadings, to accept without question the truth of the plaintiff’s allegations”). Rather, the court is permitted “to pierce the veil of the complaint’s factual allegations and dismiss those claims whose factual contentions are clearly baseless.” *Neitzke*, 490 U.S. at 327. Examples of such claims include those with factual allegations that are “fanciful,” “fantastic” or “delusional.” *Id.* at 325, 328.

II.

According to Plaintiff’s complaint, which repeats several allegations previously dismissed by the court as frivolous, *see Solomon v. Alcohol Tobacco and Firearms*, No. 5:13-CV-194-D, slip op. at 2-3 (E.D.N.C. Apr. 8, 2013), Plaintiff seeks \$540,000,000 from the State of North Carolina and describes the acts complained of as follows:

Tampering with and stopping a newspaper business venture to date with expected profit return as of date 3/7/13 \$10,000,000.00 based on 2 cities. Then another 50,000,000.00 from plans to set up duplicated venture with rapid insertion in 5 other metropolitan cities.

Tampering with and preventing a second non-profit org. business venture preventing start up profits yielded to company as well as proceeds to U.S. war veterans estimates to date of possibility of 100,000,000 with reasoning of expected growth into larger and more vast area’s of non-profit area’s of needs to be filled the my non-profit org. would have met and substained [sic] with rapid insertion into projected 13 states with same copy paste style set up in those area’s starting from year 2010.

Rape 100 cts, use of sleep agent's to neutralize Shaquana Nixon and I, use of psychological war tactics to cause mental defects 10 million cts, caused hyperschizophrenic [sic] behaviors for a 5 year period, Tampering with U.S. Supreme Court Civil Suit, Tampering with civil suits at state level, Theft of mail, Altering court calendars, altering school transcripts, creating false debt owed to Wake Tech, Tampering with & creating non delivery of mail 100 cts, Sending women to accouste [sic] and spy on me, Slander, Caused bodily defects and injury (working out & bus schedule altering forcing extreme running and movement to get kids home from school, Attempts to cause child protection service issues.

Harassment of my mother!

Harassment of myself, Secret peeping 1,000,000 cts

Harassment of my friends, caused hyper-paranoia to myself

Harassment of my family, {caused hyper-paranoia schizophrenia to Shaquana Nixon}

Unlawful searches of my person 50 cts

Unlawful breaking & entering of my vehicle 800 cts

Unlawful breaking & entering my home 1,000 cts

Unlawful attempted murder on plaintiff, plaintiffs children as well as Shaquana Nixon 20 cts

Performing unwanted mechanical alterations to 2 personal vehicles

Unlawful harassing & threatening phone calls

Assault, stalking, cyberstalking 5,000 cts

Unlawful imprisonment, Invasion of privacy unjustly

Falsifying warrant documents

Threatening me verbally, caused depression to myself

Theft of items from my motor vehicle

Theft of items from my home, public humiliation

Unsafe exposure to myself & family from informant encounters

Threat's by I suppose informants due to actions of sheriff's dept.

Harassment at home address by unknown criminal

Harassing phone calls by unknown threatening bodily harm

Theft of a motor vehicle caused depression to Shaquana Nixon

Break' ins by unknown criminals to girlfriends home

Theft of clothes and personal items my home & girlfriends

Threats of bodily harm & murder to mom, kids, friends & family

Assault by attempting to poison to say food item

Break & entering my public storage locker

Assault by form of psychological war tactics 1,000,000 cts

Assault by tampering with motor vehicle

Attempted murder by tampering with brake components

Attempted manslaughter by car accident (hit & run) Chrysler [sic] 300

Attempted murder of my 3 children, Shaquana Nixon and myself

while pedestrian by motor vehicle
 Physcological threatening [sic] of life,
 Tampering with physical evidence
 Cyber tampering with evidence
 Tampering with Heath & Human Services Medicaid case
 " " " Food Stamp assistance
 " " " Work First Program
 Threatening death with coercion [sic] to move to Charlotte
 " " " Durham County
 " " " way past Durham County
 Theft of personal property (5,000 counts)
 Assault by lacing marijuana
 Sell & Delivery of marijuana
 Physcological hyperparonoia [sic] from seeing my personal property
 Causing me to be declared or seek handicap relief
 Caused Emergency Room visits
 Bodily Injury
 Danger to Personal Property
 Assault & Battery
 Invasion of privacy by listening device
 Invasion of privacy by audio recording
 Invasion of privacy by video feed
 Invasion of privacy by wire tapping

[DE-1-1] at 3-9.²

III.

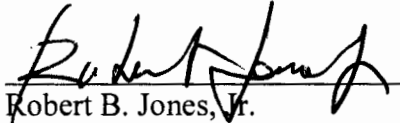
Plaintiff's complaint consists of delusional scenarios and irrational statements appearing to derive from Plaintiff's stream of consciousness. For these reasons, this court RECOMMENDS that Plaintiff's complaint be DISMISSED AS FRIVOLOUS. *See Solomon*, No. 5:13-CV-194-D, slip op. at 2-3.

The Clerk shall send copies of this Memorandum and Recommendation to counsel for the respective parties, who have fourteen (14) days from the date of receipt to file written

² The above allegations are identical to allegations contained in Plaintiff's other pauper petitions. *See* 5:13-CV-194-D (IFP application filed March 18, 2013); 5:13-CV-167-BO (IFP application filed March 8, 2013). The pages in the instant complaint containing such allegations bear the docket entry of complaints Plaintiff has previously filed in this court.

objections. Failure to file timely written objections shall bar an aggrieved party from receiving a de novo review by the District Court on an issue covered in the Memorandum and, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions not objected to, and accepted by, the District Court.

This, the 1st day of May, 2013.


Robert B. Jones, Jr.
United States Magistrate Judge